



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David BOTSTEIN, et al.

Application Serial No. 09/997,683

Filed: November 15, 2001

For: **SECRETED AND TRANSMEMBRANE**

POLYPEPTIDES AND NUCLEIC

ACIDS ENCODING THE SAME

) Examiner: Wegert, Sandra L.

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) Art Unit: 1647

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) Confirmation No: 4971

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) Attorney's Docket No. 39780-2730 P1C32

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) Customer No. 35489

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PRELIMINARY AMENDMENT

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

In response to the Office Action mailed on January 5, 2006, in connection with the above-identified patent application (Paper No./Mail Date 20051229), a Notice of Appeal was filed on April 5, 2006.

Applicants submit herewith a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application. This response is timely filed with a Petition for extension of time for one month with necessary fees. This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments, and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

Pending Claims are reflected in the listing of claims that begins on page 2 of this paper.

Remarks/Arguments begin on page 3 of this paper.